

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA OF  
NORTHERN DIVISION

|                                  |   |                           |
|----------------------------------|---|---------------------------|
| JAMES McCONICO, JR., #117395,    | ) |                           |
|                                  | ) |                           |
| Petitioner,                      | ) |                           |
| v.                               | ) | CASE NO. 2:09-cv-0428-TMH |
|                                  | ) |                           |
| GRANTT CULLIVER, <i>et al.</i> , | ) |                           |
|                                  | ) |                           |
| Respondents.                     | ) |                           |

**ORDER**

After an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that:

(1) The petitioner's Objection to the Magistrate Judge Recommendation (Doc. #4) filed on May 26, 2009 is overruled;

(2) The Recommendation of the United States Magistrate Judge (Doc. #3) entered on May 14, 2009 is adopted;

(3) This case is TRANSFERRED to the United States District Court for the Southern District of Alabama for all further proceedings.

DONE this 1st day of June, 2009.

/s/ Truman M. Hobbs

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TRUMAN M. HOBBS  
SENIOR UNITED STATES DISTRICT JUDGE